

REMARKS

Claim 5 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Since this claim is canceled, the rejection is now moot.

Claim 13 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. More specifically, the Examiner objects that the claim language does not distinctly point out how the determination is being performed in lines 18-20 of the claim. In response, Applicants traverse the rejection because the claim is written in proper means plus function claim format.

Claim 13 calls for, among other things, “identification information determining means for determining sameness of the permission target device identification information included in the hardware key...” This claim language is proper claim language format for a means plus function claim element, and cover all related embodiments in the specification and equivalents thereof. The function is determining the “sameness,” and no more detail need be provided in the claim language itself. For this reason, withdrawal of the §112 rejection is respectfully requested.

Claims 1-12 and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Downs et al. (U.S. Patent No. 6,226,618). In response, Applicants traverse the rejection of independent claims 6 and 12 because Downs fails to disclose (or suggest) an attach/detach key information issuing means. Applicants traverse the rejection of independent claim 14 because Downs fails to disclose (or suggest) a hardware key connecting means for reading attach/detach key information from a hardware key storing

the attach/detach key information. Applicants traverse the rejection of independent claims 16, 18, and 20 because Downs fails to disclose (or suggest) the step of generating, in response to an attach/detach key information generation request and attach/detach key-specific encryption key, and recording the generated attach/detach key information on a hardware key.

Downs is directed to an electronic content delivery system and discloses a method and apparatus of securely providing data to a user's system. Unlike the present invention, Downs does not disclose or suggest providing a hardware key including attach/detach key information. Downs also fails to disclose or suggest authenticating a processing device and decrypting software by using the hardware key.

Claim 6 calls for an attach/detach key information issuing means for generating attach/detach key information including device identification information and an attach/detach key-specific encryption key, and recording the generated attach/detach key information on a hardware key. The cited sections of Downs in the Office Action, namely columns 53-54, lines 65-67 and 1-3, column 9, lines 18-21, and column 9, lines 43-47, fail to disclose or suggest a hardware key including attach/detach key information. The cited portions of the text of Downs also fail to disclose or suggest authenticating a processing device and decrypting software by using the above-described hardware key, and Applicants can find no support for these features elsewhere in Downs. Claim 12 similarly calls for the hardware key. Since Downs fails to disclose or suggest a hardware

key including attach/detach key information, withdrawal of the §102(b) rejection of claims 6-12 is respectfully requested.

Claim 14 of the present application calls for a hardware key connecting means for reading attach/detach key information from a hardware key. The hardware key stores the attach/detach key information. However, as discussed above with respect to claims 6 and 12, Downs fails to disclose or suggest a hardware key including attach/detach key information. For this reason, Applicants respectfully request withdrawal of the §102(b) rejection of claim 14.

Claims 16, 18, and 20 call for, among other things, a step of generating attach/detach key information, and recording the generated attach/detach key information on a hardware key. Since Downs fails to disclose or suggest a hardware key including attach/detach key information, Downs also fails to teach or suggest steps of recording generated attach/detach key information on a hardware key. For this reason, Applicants respectfully request withdrawal of the §102(b) rejection of claims 16, 18, and 20.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Downs in view of Johnson et al. (U.S. Patent No. 5,859,935). In response, Applicants traverse the rejection for the reasons recited above with respect to the rejection of independent claim 14.


The deficiencies of Downs are noted above. Johnson also fails to overcome the deficiencies of Downs. Johnson is merely cited by the Examiner on page 27, last paragraph of the outstanding Office Action as teaching the determination of sameness.

However, Johnson is silent regarding a hardware key including attach/detach key information. For this reason, Applicants respectfully request withdrawal of the §103(a) rejection of claim 13.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Joseph P. Fox
Registration No. 41,760

April 11, 2007
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978